

Record on Appeal – Tab 6

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Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: ACAYA, Leticia I.

Chapter 13
Case No. 06-5-1741 MMor

Debtor(s)

Date: February 16, 2007
Time: 10:00 A.M.
Place: U.S. Bankruptcy Court, 1000 South
Main Street, Room 214, Salinas,
California
Judge: Marilyn Morgan

DEVIN DERHAM-BURK,
TRUSTEE

AND

WELL FARGO FINANCIAL
ACCEPTANCE

Objector(s)

**PRE-HEARING CONFERENCE STATEMENT RE: OBJECTION BY DEVIN
DERHAM-BURK, TRUSTEE AND WELLS FARGO FINANCIAL ACCEPTANCE**

Counsel for debtor(s) and Objector(s) have conferred by telephone pursuant to the Court's
ORDER RE PREHEARING CONFERENCE ON OBJECTION TO CONFIRMATION in
this matter, and the following is the Prehearing Conference Statement required by that Order:

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1 1. *The date the objection was filed:*

2 The Chapter 13 Trustee; Devin Derham-Burk, filed an Objection electronically on
3 October 27, 2006. Wells Fargo Financial Acceptance; hereinafter "Wells Fargo,"
4 filed an Objection electronically on October 13, 2006.

5 2. *The date of the initial conference to resolve the objection and the dates of all*
6 *subsequent contacts regarding resolution of the objection:*

7 The Office Of Devin Derham-Burk, Trustee, and The Law Offices Of Rodney M.
8 Kleman, counsel for the Debtor, initially spoke together on November 7, 2006.
9 Subsequent contact between counsel regarding the resolution of the Objection(s)
10 occurred on: None.

11 Donald H. Cram, III, counsel for Wells Fargo, and The Law Offices Of Rodney M.
12 Kleman initially spoke together on October 19, 2006. Subsequent contact between
13 counsel regarding the resolution of the Objection(s) occurred on: None.

14 3. *A precise and separate statement of each factual and legal issue which must be*
15 *determined to resolve the objection and a brief statement of the facts in support*
16 *thereof:*

17 The Chapter 13 Trustee; Devin Derham-Burk, filed an Objection to the confirmation
18 of the instant matter as Debtor failed to appear for examination at the scheduled
19 Section 341 Meeting Of Creditors and as Debtor failed to provide the trustee with
20 proof of her identity and Social Security Number.

21 Wells Fargo filed an Objection to the confirmation of the instant matter alleging their
22 claim to have arisen within 910 days of the instant Bankruptcy filing and therefore
23 entitled to full contract balance repayment. Further, Wells Fargo Objected to the
24 proposed interest rate and adequate protection payment. Additionally, Wells Fargo
25 questioned the feasibility of Debtor's Plan and requested attorney's fees and costs.

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1 4. *Proposed discovery schedules and proposals for alternative dispute resolution:*

2 N/A

3 5. *Developments since the last hearing and the current status:*

4 Debtor appeared before the Chapter 13 Trustee for examination at her Section 341
5 Meeting Of Creditors and provided the Trustee with proof of her identity; thereby
6 resolving the Trustee's Objection. The Trustee's Objection has been withdrawn.
7 With regard to the Objection filed by Wells Fargo, counsel requested a hearing for
8 this date in order to determine whether a negative trade-in on a purchase money
9 security interest contract written within 910 days of Debtor's Bankruptcy filing can
10 be paid at a lesser dividend than the balance of the 910 claim. Counsel is hopeful a
11 ruling will be made in favor of Debtor; however in either case amendments may be
12 required so counsel will request the matter be continued to the March, 2006 Pre-
13 Hearing for confirmation.

14 Respectfully submitted,

15 Dated: January 31, 2007

16 /s/ Trevor R. Mirkes #224261
17 TREVOR R. MIRKES
18 Attorney for the Debtor(s)
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